

Senator Duncan, by leave, introduced a bill entitled, "An act to repeal sections 2, 3, 4, 5, 6, 7, 8, 9 and 10 of an act entitled 'an act to provide for the sale of a portion of the unappropriated public lands of the State of Texas, and the proceeds of such sales,' approved July 14, 1879, and section 6 of an act amendatory thereof, passed March 11, 1881." Referred to Committee on Public Lands.

Senator Shannon introduced a bill entitled "An act to suspend the collection of taxes due in organized counties from the years 1871 to 1876 inclusive." Referred to Committee on State Affairs.

The following message, with accompanying documents, was received from the Governor:

EXECUTIVE OFFICE, }  
AUSTIN, May 1, 1882.

To the Honorable Senate and House of Representatives in the Legislature assembled:

I herewith submit for your action the appointments to various offices made by me since the adjournment of the last regular session of the Legislature, and respectfully request their confirmation by your honorable body.

Respectfully submitted,

O. M. ROBERTS, Governor.

Robert S. Gould, Chief Justice of the Supreme Court, vice G. F. Moore, resigned; appointed November 1, 1881.

John W. Stayton, Associate Justice of the Supreme Court, vice R. S. Gould, resigned; appointed November 2, 1881.

Richard S. Walker, Commissioner of Appeals; appointed October 10, 1881.

A. T. Watts, Commissioner of Appeals; appointed October 10, 1881.

W. S. Delaney, Commissioner of Appeals, vice George Quinnan, resigned; appointed January 13, 1882.

A. O. Cooley, District Judge of the Thirty-third Judicial District; appointed April 2, 1881.

D. P. Marr, District Judge of the Thirty-sixth Judicial District; appointed July 2, 1881.

John D. Morrison, District Attorney of the Thirty-sixth District; appointed July 2, 1881.

J. H. Calhoun, District Attorney of the Twelfth District, vice A. R. Coleman, resigned; appointed September 3, 1881.

B. Chietzburg, District Attorney of the Seventeenth District, vice W. Acker, resigned; appointed March 4, 1882.

Temple Houston, District Attorney of the Thirty-Fifth District, vice J. N. Browning, resigned; appointed March 22, 1882.

W. H. King, Adjutant-General, vice J. B. Jones, deceased; appointed July 25, 1881.

R. R. Robertson, Fish Commissioner, vice J. H. Dinkins, deceased; appointed December 27, 1881.

Thos. M. Harwood, Regent of the State University, vice J. W. Throckmorton, resigned; appointed October 29, 1881.

T. D. Wooten, Regent of the State University, vice J. H. Bell, resigned; appointed November 14, 1881.

M. L. Crawford, Regent of the State University, vice R. B. Hubbard, resigned; appointed March 22, 1882.

James H. Jones, Regent of the State University, vice T. J. Devine, resigned; appointed April 13, 1882.

L. J. Graham, Superintendent of the Lunatic Asylum; appointed May 14, 1881.

Senator Houston moved that the Senate go into executive session to-morrow morning after the morning call, to consider the appointments of the Governor. Adopted.

Pending the motion of Senator Wynne that the Senate adopt the minority report on Senate bill No. 35, with relation to the regulation of railroads and to prevent discrimination, on motion of Senator Cooper, the Senate adjourned till to-morrow morning at 9:30 o'clock, Senator Davis in possession of the floor.

## TWENTY-THIRD DAY.

SENATE CHAMBER, }  
AUSTIN, TEXAS, May 2, 1882. }

Senate met pursuant to adjournment.

The President in the chair.

Roll called; quorum present.

Prayer by the Chaplain of the House, Rev. Mr. Brown.

On motion of Senator McLane, the reading of the journal of yesterday was dispensed with.

Senator Patton, chairman of Committee on State Affairs, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, May 2, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on State Affairs, have examined Senate bill No. 47, entitled "An act to suspend the collection of taxes due in organized counties from the year 1871 to 1876, inclusive," and direct me to report the bill back to the Senate with the recommendation that it do pass.

PATTON, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, May 2, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have carefully examined Senate bill No. 37, "An act to amend section 1 of 'an act granting a land certificate of 1280 acres to each of the surviving soldiers of the Texas Revolution, and the surviving signers of the Declaration of Independence, and to the surviving widows of such soldiers and signers, and to the widows of those who fell at the Dawson massacre,' etc., ' and find the same correctly engrossed.

PATTON, Chairman.

Senator Davenport, chairman of Committee on Public Lands, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, May 1, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate bill No. 29, entitled "An act to repeal an act entitled 'an act to provide for the sale of a portion of the unappropriated public lands of the State of Texas, and the investment of the proceeds of such sale,' approved July 14, 1879, and an act to amend sections 1 and 6 of the above recited act, approved March 11, 1881," have had the same under consideration, and I am instructed to report it back with recommendation that it do not pass.

DAVENPORT, Chairman.

Bill read first time with unfavorable report.

COMMITTEE ROOM,  
AUSTIN, May 1, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Public Lands, to whom was referred House bill No. 25, entitled, "An act to repeal an act entitled 'an act granting to persons who have been permanently disabled by reason of wounds received while in the service of this State, or of the Confederate States, in the late war between the States of the United States, a land certificate for 1280 acres of land,' approved April 9, 1881," have had the same under consideration, and have instructed me to report it back with the recommendation that it do not pass.

DAVENPORT, Chairman.

Bill read first time with unfavorable report.

COMMITTEE ROOM,  
AUSTIN, May 2, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Public Lands to whom was referred Senate bill No. 48, the same being an act to withdraw from sale all the public lands heretofore set apart for sale for the payment of the public debt, and for the public free schools, have considered the same, and I am instructed to report the same, with the accompanying committee amendment, and to recommend that as amended the bill do pass.

DAVENPORT, Chairman.

Committee amendment: Strike out section 2 from the bill.

Bill read first time.

Senator Stewart, chairman of Judiciary Committee No. 2, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, May 2, 1882.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred House bill No. 29, entitled "An act to amend article 3602, chapter 10, title 11, of the Revised Code Civil Statutes of the State of Texas, relating to the hiring of county convicts," beg leave to report that they have considered the same, and I am instructed by a majority of the committee to report the bill back to the Senate with the recommendation that it do pass.

STEWART, Chairman.

Bill read first time.

Senator Buchanan, chairman of Committee on Education, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, May 2, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Educational Affairs have considered Senate bill No. 31 and House bill No. 61, each entitled "An act to supply the deficiency for the support and maintenance of the Prairie View Normal Institute, and to purchase library, wagon, mules and cows, and to pay for repairs heretofore made, and for damages to said institute, caused by the late storm, and to make appropriations therefor," and I am instructed by said committee to report said bills back to the Senate with the recommendation that said Senate bill do not pass, its provisions being covered by said House bill, and that said House bill do pass.

BUCHANAN, Chairman.

Senate bill No. 31 read first time with unfavorable report.

House bill No. 61 read first time with favorable report.

Senator Shannon, chairman of Committee on Internal Improvements, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, May 2, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Internal Improvements, to whom was referred House bill No. 30, entitled "An act to prohibit railroad companies, their officers, agents, and employees from making excessive charges for carrying and transporting freight, goods, wares and merchandise, and to require said companies, their officers, agents and employees to deliver goods, wares and merchandise on payment of the freight charges due, as shown by the bill of lading, and to provide penalties for the violation of this act," have considered the same, and I am instructed by a majority of the committee to recommend the following amendments to the bill, and as so amended, to recommend its passage.

SHANNON, Chairman.

Amend by adding after the word "lading," in line 11, section 2, the following: "Provided, however, that this act shall not apply to bills of lading issued beyond the limits of the State by parties who have no business relations with the line or lines in this State over which the goods are carried."

Amend by striking out section 3, and conforming the numbers of the other sections thereto.

Bill read first time, with amendments.

Senator Ross, chairman of Committee on Finance, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, May 1, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 16, entitled "An act amendatory to an act entitled 'An act to amend articles 4663, 4664 and 4665 of the Revised Statutes, adopted February 28, 1879,' passed by the Seventeenth Legislature reducing ad valorem and occupation taxes," have had the same under consideration, and have instructed me to report it back with recommendation that it lie on the table, for the reason that the subject matter of this bill has been already acted on by the passage of House bill No. 51.

ROSS, Chairman.

Bill read first time, with unfavorable report.

COMMITTEE ROOM,  
AUSTIN, May 2, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Finance, have had under consideration Senate bill No. 50, "An act to release certain inhabitants of the town of Plano, in the county of Collin, from the payment of taxes assessed and now due for the year of 1881, in consequence of a great public calamity, and I am instructed to report it back, and recommend that it do pass.

ROSS, Chairman.

Bill read first time.

Senator Buchanan, chairman of the Committee on Education, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, May 2, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Educational Affairs have considered Senate bill No. 46, entitled "An act to provide for leasing the school lands."

The bill has for its object the leasing of the surveyed and unsold school lands, which are now being used free of charge by the stock and sheep men for grazing purposes.

It is thought that a law authorizing the leasing of said lands, at a price not below twenty dollars per section annually, as is provided by this bill, would produce an annual revenue to the benefit of the available school fund, approaching a quarter of a million of dollars, where nothing is not received. A majority of said committee, therefore, instruct me to report the bill back to the Senate, with the recommendation that it do pass.

BUCHANAN, Chairman.

Bill read first time.

On motion of Senator Cooper, one hundred copies of Senate bill No. — "An act to provide for the sale of all lands heretofore surveyed, and that may be hereafter surveyed, and set apart for the benefit of the common school fund," were ordered to be printed for the use of the Senate.

Senator Brown introduced a bill entitled "An act to withdraw from sale the pine lands belonging to the common school fund." Referred to Committee on Education.

Also, a bill entitled "An act providing for the lease of the University lands." Referred to Committee on Education.

Senate went into executive session on the appointments contained in the Governor's message presented yesterday.

The following are the results of the executive session:

The Senate advised and consented to the following appointments:

R. S. Gould as Chief Justice, and R. F. Stayton, Associate Justice of the Supreme Court.

R. S. Walker, A. F. Watts and W. S. Delaney as Commissioners of Appeals.

A. O. Cooley as Judge of the Thirty-third Judicial District.

D. P. Marr, Judge of the Thirty-sixth Judicial District.

For District Attorneys: J. D. Morrison, of the Thirty-sixth District; J. H. Callhoun, of the Twelfth District; B. Chreitzburg, of the Seventeenth District; Temple Houston, of the Thirty-fifth District.

W. H. King, as Adjutant-General.

R. R. Robertson, as Fish Commissioner.

Thos. M. Howard, T. D. Wooten, M. L. Crawford and Jas. H. Jones, as regents of the University of Texas.

L. J. Graham as Superintendent of the Lunatic Asylum. (In Senate.)

Senator Houston moved that the results of the executive session be spread upon the journals, and that the Governor be notified of the same. Adopted.

Senator Ross moved that the special order be postponed to take up Senate bill No. 20, "An act to amend articles 4666 and 4668, of the Revised Statutes." Adopted, and bill taken up on third reading.

(Senator Gooch in the chair.)

Bill read third time and passed by the following vote:

YEAS—22.

Brown,	Henderson,	Moore,
Burges,	Hightower,	Ross,
Cooper,	Houston,	Stewart,
Davenport,	Lair,	Swain,
Davis,	Martin,	Tilson,
Duncan,	McLane,	Weatherred,
Gooch,	McDonald,	Wynne.
Harris,		

NAYS—8.

Buchanan,	Patton,	Stubbs,
Burton,	Raney,	Torrell.
Homan,	Shannon,	

The following reasons for voting in the negative were asked to be spread upon the journal:

We vote against the passage of this bill, because it authorizes the levy of a county tax not to exceed twenty-five cents on the one hundred dollars valuation of property, without regard to the amount of tax levied for the State.

The Constitution, article 8, section 9, reads: "The State tax on property, exclusive of the tax necessary to pay the public debt, shall never exceed fifty cents on the one hundred dollars valuation, and

no county, city or town shall levy more than one-half of said State tax, except for the payment of debts already incurred and for the erection of public buildings, not to exceed fifty cents on the one hundred dollars in any one year, and except as in this Constitution is otherwise provided."

This provision limits the powers of counties, cities or towns to levy taxes to the "one-half of said State tax" (which is a State tax only when it has been levied), except as in this Constitution is otherwise provided, and the only other provision of the Constitution which expands this limitation (and that only as to cities and towns "having a population of 10,000 inhabitants or less"), is section 4, article 11, of the Constitution, viz:

"Section 4. Cities and towns having a population of ten thousand inhabitants, or less, may be chartered alone by the general law. They may levy, assess and collect an annual tax to defray the current expenses of their local government, but such tax shall never exceed, for any one year, one-fourth of one per cent, and shall be collectable only in current money."

This section, by excluding certain cities and towns only from the limitation of the general provision, and that, too, only under certain circumstances, in the absence of any other provision expanding the limitation of the general clause, leaves, in our opinion, counties absolutely restricted in their powers to levy a tax (except for certain specific purposes, viz: "debts already incurred and for the erection of public buildings,") to one-half of the State tax levied. The bill we, therefore, believe to be unconstitutional.

PATTON,  
HOMAN,  
SRUBBS,  
SHANNON.

Reasons for voting for the passage of the bill authorizing counties to levy taxes in any amount not to exceed one-half of the maximum State tax allowed to be levied by the Constitution: I do not think the bill unconstitutional, but merely a legislative construction of a section of the State Constitution, which to me has never appeared doubtful. So much of that section as is necessary to quote here, reads as follows: "The State tax on the property \* \* \* shall never exceed fifty cents on the one hundred dollars valuation, and no county \* \* \* shall levy more than one-half of said State tax."

Now what was the manifest intention of this section? First, to set a maximum of fifty cents for State taxes, between which and no taxes at all, the amount levied might vibrate according to the needs of the State government. Second, to set a maximum of twenty-five cents for county taxes, between which and no tax at all, the amount levied might vibrate according to the needs of the counties. The object of both provisions were the same, i. e. to establish a maximum; and if I am told that these provisions were intended to half whatever might be levied by the State, I ask what is there in the section to warrant the conclusion that the scale of county taxes must rise and fall with the taxes actually levied by the State?

Had that been in the minds of the framers of the Constitution, how easily it could have been expressed by leaving out the word "said" before "State tax," and in its place inserted "the," and after "State tax" inserted "levied." Let us analyze the language. "Said State tax." What does the word "said" refer to? Manifestly the State tax whose maximum shall never exceed fifty cents on the one hundred dollars, or, in other words, the fifty cents maximum, and nothing else. What is there in the section to indicate the accommodating sliding scale? Nothing. The section simply fixes two independent maximums; one fifty cents, and the other twenty-five cents. To hold otherwise would be to make the section an absurdity, for the necessities of the counties have never run parallel with each other, nor with those of the State. This was as well known to the framers of this section as to us, and the reduction of State taxes to nothing would bankrupt the counties.

JOHN M. DUNCAN,  
A. W. HOUSTON.

I endorse the above for the reason that if the opponents of the bill be correct, it still shows that the meaning of the section of the Constitution in question is of at least doubtful meaning, and this invokes the rule that where the meaning of an instrument is subject to more than one construction, and one is reasonable and practical, and the other leads to an absurdity, the instrument should receive that construction which makes it practical and sensible.

BURGES.

A message was received from the House announcing the passage of the following concurrent resolution:

*Resolved by the House, the Senate concurring,* That both Houses of the extra session of the Seventeenth Legislature stand adjourned sine die on Friday at 12 o'clock m., the fifth day of May, A. D. 1882.

Referred to Committee on State Affairs.

A message was received from the House announcing that the House concurs in Senate amendments Nos. 1, 2, 3, 5, 6, 9, 10, 11, 14, 16, 19, 20, 21, 22, 23, 24, 25, 26 and 27, to House bill No. 51, being the House tax bill.

Also, that the House refuses to concur in Senate amendments 4, 7, 8, 12, 13, 15, 17 and 18 to the said bill.

Senate bill No. 35, entitled "An act further to regulate the duties and rights of railroad companies in this State connecting with or intersecting or crossing each other, and to prevent discriminations by them," being the bill pending on adjournment yesterday, was taken up.

Senator Davis resumed his argument.

Pending the discussion of the adoption of the minority report on the pending railroad bill, Senator Patton, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, May 2, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have examined Senate bill No. 36, "An act to provide annual pensions to surviving soldiers and volunteers in the war between Texas and Mexico, from the commencement of the revolution in 1835 until the first of January, 1837, and also to the surviving signers of the declaration of the independence of Texas," etc., etc., and find the same correctly engrossed.

PATTON, Chairman.

Senator Duncan moved that special order be further postponed to take up House bill No. 51, the House tax bill. Adopted and bill taken up.

Senator Duncan moved that the Senate insist on Senate amendment No. 4. Lost, and Senate refused to insist on said amendment by the following vote:

YEAS—11.

Buchanan,	Martin,	Shannon,
Davenport,	McDonald,	Swain,
Duncan,	Moore,	Wynne.
Lair,	Patton,	

NAYS—17.

Burges,	Henderson,	Stewart,
Burton,	Hightower,	Stubbs,
Cooper,	Houston,	Terrell,
Davis,	McLane,	Tilson,
Gooch,	Rainey,	Weatherred.
Harris,	Ross,	

On motion of Senator Terrell, the Senate receded from from its amendment.

Senator Houston moved that the Senate insist on Senate amendment No. 7, with reference to taxing street cars.

Senator Duncan moved that the Senate recede from its seventh amendment.

Lost by the following vote:

YEAS—5.

Buchanan,	Gooch,	Henderson.
Duncan,	Harris,	

NAYS—22.

Burges,	Martin,	Stewart.
Burton,	McLane,	Stubbs,
Cooper,	McDonald,	Swain,
Davenport,	Moore,	Terrell,
Davis,	Rainey,	Tilson,
Hightower,	Ross,	Weatherred,
Houston,	Shannon,	Wynne.
Lair,		

Senator Houston's motion that the Senate insist on its seventh amendment, was adopted.

Senator Duncan moved that the Senate insist on its eighth amendment. Adopted.

Senator Duncan moved that the Senate recede from its twelfth amendment. Withdrawn.

Senator Burges moved that the Senate insist on its twelfth amendment. Adopted.

Senator Buchanan moved that the Senate insist on its fifteenth amendment. Adopted.



Senator Patton move that the Senate recede from the seventeenth Senate amendment.

Senator Henderson moved that the Senate insist on seventeenth Senate amendment. Ruled out of order, as the motion to recede takes precedence over the motion to insist.

Senator Patton's motion was adopted.

On motion of Senator Duncan, the Senate receded from the eighteenth amendment.

Senator Burges moved to postpone the pending Senate bill No. 35, with reference to railroads, indefinitely.

The President ruled that the motion to postpone indefinitely was not in order, because the motion to adopt the minority report is in the nature of a motion to amend.

Senator Harris moved the previous question on the adoption of the minority report.

Senator Davenport moved a call of the Senate. Call seconded.

Roll called. Absent, Senators Homan and Lair.

Pending bill went to the table.

Senator Duncan moved to excuse the absent Senators. Lost by the following vote:

YEAS—9.		
Buchanan,	Harris,	McDonald,
Burton,	Henderson,	Ross,
Duncan,	Martin,	Stubbs.
NAYS—19.		
Brown,	Houston,	Stewart,
Burges,	McLane,	Swain,
Cooper,	Moore,	Terrell,
Davenport,	Patton,	Tilson,
Davis,	Rainey,	Weatherred,
Gooch,	Shannon,	Wynne.
Hightower,		

Senator Cooper, chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, May 2, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 42, "And act to provide for running and marking the boundary line between the State of Texas and the territory of the United States, from the northeast corner of said State to the degree of longitude 100 west from London, and 23 degrees west from Washington, as said line is described in the treaty between the United States and Spain, of February 22, 1819, and for the payment of the expenses of such survey," and find the same correctly enrolled and properly signed, and on this day, at 10:20 o'clock a. m., presented same to the Governor for his signature.

COOPER, Chairman.

Senator Rainey, moved to adjourn till 3:30 p. m.

Senator Burges moved to amend by substituting 9:30 a. m. to-morrow. Lost by the following vote:

YEAS—14.		
Burges,	Henderson,	Patton,
Burton,	Houston,	Ross,
Cooper,	McLane,	Stewart,
Davenport,	Moore,	Swain.
Davis,		
NAYS—15.		
Brown,	Hightower,	Stubbs,
Buchanan,	Martin,	Terrell,
Duncan,	McDonald,	Tilson,
Gooch,	Rainey,	Weatherred,
Harris,	Shannon,	Wynne.

On motion of Senator Harris, Senator Brown was excused indefinitely, after to-day.

Senator Rainey's motion to adjourn till 3:30 p. m., was adopted by the following vote:

YEAS—19.		
Brown,	Hightower,	Shannon.
Buchanan,	Martin,	Stewart,
Burges,	McLane,	Stubbs,
Burton,	McDonald,	Swain,
Duncan,	Rainey,	Terrell,
Gooch,	Ross,	Weatherred.
Harris,		

10s

NAYS—8.		
Cooper,	Henderson,	Patton,
Davenport,	Houston,	Tilson.
Davis,	Moore,	

## AFTERNOON SESSION.

Senate met pursuant to adjournment.

The President in the chair.

The pending question being the adoption of the minority report on the railroad bill under consideration this morning, Senator Burges moved the previous question on the adoption of the minority report. Motion seconded and main question ordered by the following vote:

NAYS—23.		
Brown,	Homan,	Ross,
Buchanan,	Houston,	Shannon,
Burges,	Lair,	Stubbs,
Duncan,	Martin,	Swain,
Gooch,	McLane,	Tilson,
Harris,	Moore,	Weatherred,
Henderson,	Patton,	Wynne.
Hightower,	Rainey,	

NAYS—6.		
Burton,	Davenport,	McDonald,
Cooper,	Davis,	Stewart.

Senator Stewart moved a call of the Senate. Call seconded. Roll called; absent, Senator Terrell.

Senator Shannon moved to excuse Senator Terrell.

Senate refused to excuse Senator Terrell by the following vote:

YEAS—13.		
Brown,	Homan,	Ross,
Buchanan,	Martin,	Shannon,
Harris,	McDonald,	Stubbs,
Henderson,	Rainey,	Wynne.
Hightower,		

NAYS—15.		
Burges,	Gooch,	Patton,
Burton,	Houston,	Stewart,
Cooper,	Lair,	Swain,
Davenport,	McLane,	Tilson,
Davis,	Moore,	Weatherred.

Pending business went to the table.

Senator Homan offered the following resolution:

*Resolved*, 1. That the Secretary of the Senate be retained in office for thirty days after the adjournment of this, the called session of the Seventeenth Legislature, and that he take charge of all papers, bills, etc., in any manner connected with his office and deposit them with the Secretary of State, and that he prepare an accurate index to the journals of the Senate, and that he make the usual and necessary distribution of said journals.

2. That the Sergeant-at-Arms, Postmaster and two porters be retained in office for five days after adjournment, and that he be required to take charge of all the property under his control, take up the carpets, dust and roll them, take charge of all the keys and cash and every kind of property, removing the same to such place or places as may be designated by the proper authority; the books to be returned to the Secretary of State, the stationery, to-wit, paper, pens, pencils, ink, postage etc., to be turned over to the Secretary of the Senate, for the purpose of being used in the indexing and distribution of the journals, the said Secretary to turn over to the Commissioner of Insurance, Statistics and History all of the stationery which he may not have used in said indexing and distribution at the expiration of said thirty days, or after he shall have completed the work.

3. That the Comptroller be, and he is hereby authorized to issue his warrant for the per diem of the above named officers and porters, as aforesaid, on the contingent fund of this, the called session of the Seventeenth Legislature, upon the certificate of the Secretary, countersigned by the Lieutenant-Governor, and the Secretary is authorized to purchase such postage and stationery as may be necessary to carry out the foregoing; and the Comptroller is authorized to issue his warrant for the amount of the bill for postage when presented over the certificate of the Secretary of the Senate, and for the stationery when the bill for the same is presented over the certificate of the Secretary of the Senate with the approval of the Board of Printing.

Senator Rainey moved to amend that part of the resolution which refers to retaining the Sergeant-at-Arms and porters, by substituting "five days" for "ten." Adopted.

Senator Swain moved to amend the resolution by providing that the Postmaster be included in the list of officers to be retained for five days after the expiration of the session to perform necessary duties. Adopted, and resolution, as amended, adopted.

Senate was announced full, and the question again taken up of the adoption of the minority report of Senate bill No. 35. The minority report was adopted by the following vote:

## YEAS—17.

Brown,	Henderson,	Shannon,
Buchanan,	Hightower,	Stubbs,
Burges,	Homan,	Swain,
Cooper,	Martin,	Tilson,
Duncan,	McDonald,	Wynne.
Harris,	Ross,	

## NAYS—13.

Burton,	Lair,	Rainey,
Davenport,	McLane,	Stewart,
Davis,	Moore,	Terrell,
Gooch,	Patton,	Weatherred.
Houston,		

Senator Gooch offered the following amendment: Amend by striking out, in section 1, all after the words "unless they provide a common depot," and insert:

Shall provide a common depot and other necessary buildings at the point of connection or crossing for the convenience of passengers and transfer of baggage and freight; and where there exists a depot on one road, and another road intersects or crosses it, such last named road shall pay to the owner thereof one-half of its value, and shall then own one-half thereof, and each road shall thereafter be jointly and severally liable for a failure to keep it in repair. If the two railroad companies cannot agree as to the value of the buildings and grounds, or as to the repairs to be made, any officer of either company may apply to the county judge of the county in which the railroads so cross or intersect, either in term time or vacation, to appoint three disinterested citizens of such county to ascertain the value aforesaid, or the repairs to be made as aforesaid, and they shall adjudicate and determine the same, and their adjudication shall be filed in the office of the county clerk of the said county, and thereafter either company may cause the repairs to be made, and may recover of the other company one-half of the value thereof, or owner of the existing depot may recover of the other company one-half of the value of the existing buildings and grounds, as determined as aforesaid.

Senator Davis moved the previous question, bill and amendments.

The Senate refused to order the main question.

Senator Davis moved to reconsider the vote by which the Senate refused to order the main question. Ruled out of order by the President.

Senator Swain moved to lay the bill and amendments on the table. Lost by the following vote:

## YEAS—13.

Burges,	Lair,	Rainey,
Burton,	McLane,	Stewart,
Davenport,	Moore,	Swain,
Davis,	Patton,	Terrell.
Houston,		

## NAYS—17.

Brown,	Henderson,	Shannon,
Buchanan,	Hightower,	Stubbs,
Cooper,	Homan,	Tilson,
Duncan,	Martin,	Weatherred,
Gooch,	McDonald,	Wynne.
Harris,	Ross,	

Senator Gooch's amendment was adopted by the following vote:

## YEAS—23.

Brown,	Cooper,	Gooch,
Buchanan,	Davenport,	Harris,
Burges,	Davis,	Henderson,
Burton,	Duncan,	Houston,

Lair,  
Martin,  
McDonald,  
Moore,

Patton,  
Rainey,  
Ross,  
Shannon,

## NAYS—7.

Hightower,  
Homan,  
McLane,

Stewart,  
Stubbs,

Swain,  
Terrell,  
Wynne.

Tilson,  
Weatherred.

Senator Wynne offered the following amendments: Amend by adding another section to said bill, to be numbered section . . . , and to read thus:

Sec. 6. It shall be the duty of every railroad company, owning or operating a railroad in this State, to put and maintain its roadbed in safe and sound condition and to furnish and maintain thereon a supply of suitable rolling stock, sufficient for the speedy, comfortable and safe transportation over their lines of road of all passengers desiring to travel thereon, and of all freight offered them for shipment; and it shall be the duty of every such railroad company to take, receive and ship over its roads, according to the order of time in which they were tendered for shipment, all articles and classes of freight tendered it for shipment, without regard to the character of the same, within a reasonable time after such freight has been so tendered to or received by it; provided, that freight liable to natural waste or decay may be shipped without reference to the order of time of its reception. And any railroad company failing to comply with either of the requirements herein prescribed, shall be liable to any person, firm or corporation against whom discrimination is made, or whose freight is delayed beyond the time prescribed herein, for actual damage done, or caused by such discrimination or delay, and in addition thereto, should pay to said person, firm or corporation tendering, or from whom said railroad company has received such freight for transportation not less than ten nor more than one hundred dollars for each day said delay is continued beyond the time such freight should have been transported, for which such firm, person or corporation shall have their right of action. A delay of forty-eight hours after its tender or reception to ship such freight shall be prima facie evidence of unreasonable delay in making shipments according to the meaning of this section, and such delay for the space of fifteen days after its tender or reception by such company to transport such freight, shall be conclusive evidence of a failure to ship in accordance with the requirements hereof.

Senator Stewart moved that one hundred copies of the bill be ordered printed for the use of the Senate.

The following vote was cast upon the motion to print:

## YEAS—15.

Burges,	Gooch,	Rainey,
Burton,	Houston,	Ross,
Cooper,	McLane,	Stewart,
Davenport,	Moore,	Swain,
Davis,	Patton,	Terrell.

## NAYS—15.

Brown,	Hightower,	Shannon,
Buchanan,	Homan,	Stubbs,
Duncan,	Lair,	Tilson,
Harris,	Martin,	Weatherred,
Henderson,	McDonald,	Wynne.

The vote being a tie, the President voted "no," and the Senate refused to print.

Senator Homan moved the previous question in view of the brevity of life, and the near approach of the close of the session. Motion seconded, and main question ordered.

Senator Wynne's amendment was lost by the following vote:

## YEAS—11.

Brown,	Henderson,	Shannon,
Duncan,	Hightower,	Stubbs,
Gooch,	Lair,	Wynne.
Harris,	McDonald,	

## NAYS—18.

Burges,	Houston,	Ross,
Burton,	Martin,	Stewart,
Cooper,	McLane,	Swain,
Davenport,	Moore,	Terrell,
Davis,	Patton,	Tilson,
Homan,	Rainey,	Weatherred,

The Senate refused to engross the bill by the following vote:

YEAS—12.		
Brown,	Hightower,	Shannon,
Duncan,	Homan,	Stubbs,
Harris,	Martin,	Tilson,
Henderson,	McDonald,	Wynne.
NAYS—18.		
Buchanan,	Gooch,	Rainey,
Burges,	Houston,	Ross,
Burton,	Lair,	Stewart,
Cooper,	McLane,	Swain,
Davenport,	Moore,	Terrell,
Davis,	Patton,	Weatherred.

The following message was received from the Governor:

EXECUTIVE OFFICE, }  
AUSTIN, May 2, 1882. }

To the Honorable Senate of the State of Texas:

I herewith respectfully submit to your honorable body, for your advice and confirmation, the following named persons for the office of notaries public in the various counties of the State, who are to hold the offices until June 1, 1883.

Respectfully submitted,

O. M. ROBERTS, Governor.

H. S. Melvin, in Baylor county.  
John L. Lee, J. E. Perry and A. Moss, in Bell county.  
W. T. Hudgins, in Bowie county.  
H. B. Smoot, J. W. Doremus and S. P. Hardwick, in Brazos county.  
Thomas Maples, in Brown county.  
C. B. Mason, John Rorch and M. V. Robertson, in Comanche county.  
A. J. Little and F. S. Bell, in Callahan county.  
J. M. Jones, in Clay county.  
Wm. B. Longley, in Cherokee county.  
David S. Price, in Coryell county.  
J. H. Mullin, in Colorado county.  
A. T. Robertson and John Church, in Collin county.  
T. M. Smith, in Denton county.  
T. J. A. Brown and T. J. McLain, in Dallas county.  
L. E. Branin, J. E. Luce, W. M. M. Connell, in Eastland county.  
Thos. H. Conklin, John A. Cole, Wm. Hamilton, J. R. Currie,  
T. R. Owen, P. F. Brink, Ward B. Blanchard, J. E. Wolf, John L. McCarty and G. N. Gracia, in El Paso county.  
C. H. Ross, in Erath county.  
I. P. Jeffers, G. W. Hamlett, J. C. McKinney and C. T. Hogan, in Ellis county.  
Young Burgher and J. T. Saxon, in Fannin county.  
J. B. McMahon, in Frio county.  
James H. Freeman, C. C. Rollo and Robert H. Garvin, in Grimes county.  
J. W. Kelley, in Galveston county.  
L. F. Harwood, L. N. Holbert, W. J. Bright and T. F. Harwood, in Gonzales county.  
Joseph Clemmons and E. B. Ragland, in Gregg county.  
Alex. Henderson, in Gaudalupe county.  
R. H. Hutchings, Geo. F. Poole and W. M. Murchison, in Hous-  
ton county.  
C. Veale, in Hill county.  
W. N. Fleck, in Hall county.  
W. H. Parmer and Henry F. Gillette, in Harris county.  
T. A. St. Clair and J. P. Gist, in Hopkins county.  
J. A. Clark, in Hood county.  
J. A. Baugh, J. M. Campbell, P. C. Hudson and J. S. Willshire, in Johnson county.  
H. C. Howell and R. P. Shelby, in Jasper county.  
C. C. Rentz, in Jack county.  
W. M. Campbell, in Jefferson county.  
Edward L. Dignowitz and John Perry, jr., in Kinney county.  
Elias Edmonds, in La Salle county.  
John P. Graham, in Lamar county.  
H. Steadman and T. Howard, in Live Oak county.  
Volney Ellis, in Lavaca county.  
Alfred Battle and Geo. W. Kinchelve, McLennan county.  
E. L. Watkins, in Maverick county.  
Leonard I. Isaacs, Wm. Hefley, M. C. Lee and H. N. Roberts, in Milam county.  
P. C. Younger and A. G. Edwards, in Montague county.  
J. J. Watkins, in Nacogdoches county.  
W. J. McKie, in Navarro county.  
E. Taylor, J. P. McKinnie, W. R. Davis and H. Smythe, in Par-  
ker county.

C. H. Earnest, Henry H. Luckett, C. H. Willingham and W. G. Green, in Rannels county.

Philip Reivhert, Geo. B. Roberson and Frank Mitchell, in Robert-  
son county.

Noah Cox, in Starr county.

W. E. T. Ogletree, in Sabine county.

D. Brittain and James P. Payne, in Shelby county.

Geo. W. Jalonick, in Taylor county.

Geo. B. Roberson, C. L. Spencer, Lafayette Kirk, R. S. Tarver,  
J. N. Brown, John E. Glass, in Washington county.

W. J. Westmorland and C. F. Doan, in Willbarger county.

R. A. Dorsey and G. M. McSpaddin, in Wise county.

Edward F. Hall, in Webb county.

A. C. Shurtleff, in Wichita county.

James G. Ramsey, in Williamson county.

John A. Baily, in VanZandt county.

A. D. Evans, in Nueces county.

H. D. Kampmann, in Bexar county.

H. A. Maydole, in Anderson county.

J. B. Johnson, in Bandera county.

Wm. R. Ellis and C. R. Richardson, in Leon county.

L. L. Maughs, W. P. Dugan and H. M. Patty, in Grayson county.

I. J. Jeffers, G. W. Hamlett, H. M. Rhodus, J. C. McKinney and  
C. T. Hogan, in Ellis county.

A message was received from the House announcing the  
passage of substitute House bill No. 66, "An act making  
appropriations for the support of the State government for  
the period of time beginning March 1, 1882, and ending  
February 28, 1883." Referred to Committee on Finance.

Also, of Senate bill No. 26, "An act to provide for the  
destruction of certain engraved bonds of the State, which  
were never used, engraved under acts approved August 5,  
1870, and April 2, 1879," with House amendment.

The President laid before the Senate Senate bill No. 26,  
just reported from the House. Bill taken up with House  
amendment.

On motion of Senator Terrell, the Senate concurred in  
the House amendment to the bill.

Substitute Senate bill No. 43, "An act to provide for  
temporary capitol buildings for the use of the several de-  
partments and branches of the State government, and to  
make appropriations therefor," with House amendment,  
was taken up.

On motion of Senator Gooch, the House amendment was  
concurred in by the following vote:

YEAS—17.		
Burges,	Homan,	Ross,
Burton,	Lair,	Shannon,
Davis,	Martin,	Stewart,
Duncan,	McLane,	Tilson,
Gooch,	McDonald,	Wynne.
Hightower,	Rainey,	
NAYS—12.		
Buchanan,	Henderson,	Stubbs,
Cooper,	Houston,	Swain,
Davenport,	Moore,	Terrell,
Harris,	Patton,	Weatherred.

Senator Homan moved to suspend the rules and take up  
Senate joint resolution No. 2, "granting leave of absence  
to Hon. J. D. McAdoo, of Washington county." Adopted.

On motion of Senator Homan, the rules were suspended  
to put resolution on second reading, by the following vote:

YEAS—27.		
Buchanan,	Hightower,	Rainey,
Burton,	Homan,	Ross,
Cooper,	Houston,	Shannon,
Davenport,	Lair,	Stewart,
Davis,	Martin,	Stubbs,
Duncan,	McLane,	Terrell,
Gooch,	McDonald,	Tilson,
Harris,	Moore,	Weatherred,
Henderson,	Patton,	Wynne.
NAYS—none		

Resolution read second time.

First committee amendment, add to caption as follows:

"and the Hon. John C. Robertson, judge of the Seventh Judicial District." Adopted.

Second committee amendment, in first section, after the words "Washington county," insert "and the Hon. John C. Robertson, judge of the Seventh Judicial District," and strike out "he is" and insert "they are." Adopted.

Third committee amendment, in third section, first line, strike out "Judge McAdoo's health" and insert "the health of said judges," and in line two strike out "he" and insert "they." Adopted.

Senator Swain offered the following amendment: Amend so as to include Hon. J. H. Davis, county judge of Franklin county. Adopted.

The Senate joint resolution, as amended, was ordered engrossed.

Senator Homan moved to suspend the rules and place resolution on its third reading. Adopted.

Resolution read third time and passed by the following vote:

YEAS—27.

Buchanan,	Hightower,	Ross,
Burton,	Homan,	Shannon,
Cooper,	Houston,	Stewart,
Davenport,	Lair,	Stubbs,
Davis,	Martin,	Swain,
Duncan,	McDonald,	Terrell,
Gooch,	Moore,	Tilson,
Harris,	Patton,	Weatherred,
Henderson,	Rainey,	Wynne.

NAYS—none.

Senator Lair moved to suspend the rules and take up Senate bill No. 50, "An act to relieve certain inhabitants of the town of Plano, in the county of Collin, from payment of taxes assessed and now due for the year A. D. 1881, in consequence of a great public calamity." Rules were suspended by the following vote:

YEAS—26.

Buchanan,	Homan,	Ross,
Burton,	Houston,	Shannon,
Davenport,	Lair,	Stewart,
Davis,	Martin,	Stubbs,
Duncan,	McLane,	Swain,
Gooch,	McDonald,	Terrell,
Harris,	Moore,	Tilson,
Henderson,	Patton,	Weatherred,
Hightower,	Rainey,	Wynne.

NAYS—none.

Bill read second time and ordered engrossed.

On motion of Senator Lair, the rules were suspended to place bill on its third reading by the following vote:

YEAS—26.

Buchanan,	Hightower,	Ross,
Burton,	Homan,	Shannon,
Cooper,	Houston,	Stewart,
Davenport,	Lair,	Stubbs,
Davis,	Martin,	Terrell,
Duncan,	McLane,	Tilson,
Gooch,	McDonald,	Weatherred,
Harris,	Patton,	Wynne.
Henderson,	Rainey,	

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—26.

Buchanan,	Hightower,	Ross,
Burton,	Homan,	Shannon,
Cooper,	Houston,	Stewart,
Davenport,	Lair,	Stubbs,
Davis,	Martin,	Terrell,
Duncan,	McLane,	Tilson,
Gooch,	McDonald,	Weatherred,
Harris,	Patton,	Wynne.
Henderson,	Rainey,	

NAYS—none.

On motion of Senator Stewart, substitute Senate bill

No. 29, "An act to amend article 3602, chapter 10, title 71, of the Revised Civil Statutes of the State of Texas, relating to the hiring of county convicts," was taken up, under suspension of the rules, by the following vote:

YEAS—25.

Buchanan,	Hightower,	Ross,
Burges,	Homan,	Shannon,
Burton,	Houston,	Stewart,
Cooper,	Lair,	Stubbs,
Davenport,	Martin,	Terrell,
Davis,	McLane,	Tilson,
Duncan,	McDonald,	Weatherred,
Gooch,	Rainey,	Wynne.
Harris,		

NAYS—2.

Henderson, Patton.

Bill read second time.

Senator Gooch offered the following amendment: Amend by adding another section to read as follows: "Section 2. The near approach of the close of the session creates an imperative public necessity that the rule requiring this bill to be read on three several days be suspended, and it is suspended." Adopted.

Senator Henderson offered the following amendment: Strike out all in line —, page 1, after the words, "the fine," and insert instead thereof, as follows: "And as soon as the costs assessed against such convict have been paid off by his hire at the rate for which he may be hired by the county court, then said county convict shall be entitled to a credit of one dollar a day on his fine, for each day he may serve under such hiring, including Sundays, and such convict shall be discharged at any time on the payment of the balance due on the fine and costs assessed against him. And in no case shall such convict be hired out for a longer period than two years for failure to pay a fine and costs, and on the expiration of said time, unless by his hire such fine and costs have been sooner paid off said convict shall be finally discharged."

Senator Burton offered the following amendment to the amendment of Senator Henderson: Amend by adding the following proviso: "Provided, that no county convict shall be hired out at a cost of less than \$1.25 per day; fifty cents of it to go to the family of the convict, if he has one, and the remaining seventy-five cents to the county."

Senator Houston moved the previous question on the bill and amendments. Motion seconded and main question ordered.

Senator Burton's amendment was lost.

Senator Homan called for a division of Senator Henderson's amendment, and asked that the two divisions be acted on separately.

The first division, relating to the compensation of convicts hired out, was lost by the following vote:

YEAS—11.

Buchanan,	Hightower,	Patton,
Burges,	Lair,	Swain,
Harris,	Martin,	Wynne.
Henderson,	McDonald,	

NAYS—16.

Burton,	Homan,	Stewart,
Cooper,	Houston,	Stubbs,
Davenport,	McLane,	Terrell,
Davis,	Rainey,	Tilson,
Duncan,	Shannon,	Weatherred.
Gooch,		

The second division, with reference to limiting the time of such labor to two years, was adopted.

The bill passed to third reading by the following vote:

YEAS—21.

Burton,	Davis,	Harris,
Cooper,	Duncan,	Homan,
Davenport,	Gooch,	Houston,



Lair,  
McLane,  
McDonald,  
Rainey,

Shannon,  
Stewart,  
Stubbs,  
Swain,  
NAYS—5.  
Henderson,  
Hightower.

Terrell,  
Tilson,  
Weatherred,  
Wynne.

Buchanan,  
Burgess,

Patton.

On motion of Senator Gooch, rules were suspended to put the bill on its third reading, by the following vote:

Burton,  
Cooper,  
Davenport,  
Davis,  
Duncan,  
Gooch,  
Harris,  
Homan,

YEAS—23.  
Houston,  
Lair,  
McLane,  
McDonald,  
Rainey,  
Ross,  
Shannon,

Stewart,  
Stubbs,  
Swain,  
Terrell,  
Tilson,  
Weatherred,  
Wynne.

Buchanan,  
Burgess,

NAYS—5.  
Henderson,  
Hightower,

Patton.

Bill read third time.

Senator Patton moved a call of the Senate. Call seconded.

Absent, Senator Moore.

On motion of Senator Homan, Senator Moore was excused by the following vote:

Burton,  
Cooper,  
Davenport,  
Davis,  
Duncan,  
Gooch,  
Harris,  
Homan,

YEAS—23.  
Houston,  
Lair,  
Martin,  
McLane,  
McDonald,  
Rainey,  
Ross,  
Shannon,

Stewart,  
Stubbs,  
Swain,  
Terrell,  
Tilson,  
Weatherred,  
Wynne.

Buchanan,  
Burgess,

NAYS—5.  
Henderson,  
Hightower,

Patton.

The bill then passed by the following vote:

Burton,  
Cooper,  
Davenport,  
Davis,  
Duncan,  
Gooch,  
Harris,

YEAS—21.  
Homan,  
Houston,  
Lair,  
McLane,  
McDonald,  
Rainey,  
Shannon,

Stewart,  
Stubbs,  
Swain,  
Terrell,  
Tilson,  
Weatherred,  
Wynne.

Buchanan,  
Burgess,

NAYS—6.  
Henderson,  
Hightower,

Martin,  
Patton.

Senator Homan moved to reconsider the vote just taken, and to lay the motion to reconsider on the table. Adopted.

Senator Davenport, chairman of Committee on Public Lands, by leave, submitted the following report:

Your Committee on Public Lands, to whom was referred Senate bill No. 45, "An act to amend 'an act to set aside the public lands embraced within the territorial limits of the county of Greer for educational purposes, and for the payment of the public debt,' approved February 25, 1879," have had the same under consideration, and I am instructed to report it back and recommend its passage.

DAVENPORT, Chairman.

Bill read first time.

Senator Gooch moved that the Senate go into executive session on the appointments contained in the message of the Governor to-morrow morning after the morning call. Adopted.

On motion of Senator Houston, the Senate adjourned till 9:30 a. m. to-morrow.

#### TWENTY-FOURTH DAY.

SENATE CHAMBER,  
AUSTIN, May 3, 1882. }

Senate met pursuant to adjournment.

The President in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

The reading of the journal of yesterday was dispensed with.

Senator Ross, chairman of Committee on Finance, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, May 3, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Finance, to whom was referred substitute House bill No. 66, entitled "An act making appropriations for the support of the State government for the period of time beginning March 1, 1882, and ending Feb. 28, 1883," have had the same under consideration and have instructed me to report back the bill, with the accompanying amendments, and as amended to recommend that it do pass, and that one hundred copies of the bill and amendments be printed for the use of the Senate.

Ross, Chairman.

Bill read first time.

Senator Patton, chairman of Committee on Engrossed Bills, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, May 3, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have examined Senate joint resolution No. 2, "Joint resolution granting leave of absence to the Hon. J. D. McAdoo, county judge of Washington county, and the Hon. J. H. Davis, county judge of Franklin county, and the Hon. John C. Robertson, judge of the seventh judicial district," and find the same correctly engrossed.

PATTON, Chairman.

COMMITTEE ROOM,  
AUSTIN, May 3, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have examined and compared Senate bill No. 50, "An act to release certain inhabitants of Plano, Collin county, from the payment of taxes assessed and due for the year A. D. 1881, in consequence of a great public calamity," and find the same correctly engrossed.

PATTON, Chairman.

Senate went into executive session, this being the hour fixed for that purpose.

In Senate.

Senator Ross moved to suspend the rules and take up substitute House bill No. 66, "An act making appropriations for the support of the State government for the period of time beginning March 1, 1882, and ending February 28, 1883." Adopted and bill taken up.

(Senator Martin, President pro-tem, in the chair.)

Senator Houston moved to suspend rules to place bill on second reading. Adopted by the following vote:

YEAS—25.		
Buchanan,	Hightower,	Ross,
Burgess,	Homan,	Shannon,
Burton,	Houston,	Stubbs,
Davenport,	Lair,	Swain,
Davis,	Martin,	Terrell,
Duncan,	McLane,	Tilson,
Gooch,	McDonald,	Weatherred,
Harris,	Moore,	Wynne.
Henderson,		

NAYS—1.

Patton.

Bill read second time.

Senator Gooch moved to excuse Senator Rainey. Adopted.

Senator Duncan moved to postpone the bill till printed copies come in.

Senator Henderson moved that the bill be postponed and made special order for 3:30 o'clock this evening. Adopted by the following vote:

YEAS—15.		
Buchanan,	Duncan,	Ross,
Burgess,	Henderson,	Shannon,
Burton,	Houston,	Swain,
Cooper,	McLane,	Tilson,
Davis,	Patton,	Wynne.